

COURT SAVES BUSES IN RAIL EMERGENCY

Justice MacCrate Finds
Strike May Create a Crisis
on Nassau Route.

CITY ALSO WINS SUIT

Donnelly Upholds Dyckman
Street Buses Because of
'Summer Emergency.'

I. R. T. WAGES STAND

Brotherhood Agrees to the Old
Scale Pending Negotia-
tions on New.

Justice MacCrate of the Supreme Court in Brooklyn decided yesterday that the railroad strike had created an emergency which justified him in refusing to grant a temporary injunction restraining the operation of the Nassau bus line from Edgemere and Far Rockaway to Simpson's Beach.

John C. Judge, representing 150 taxpayers of Edgemere, said the bus was illegally seeking to invade the city limits. There was no authority for it, he said, except a letter from Grover A. Whalen, Commissioner of Plant and Structures. The Corporation Counsel and counsel for the bus line asked an adjournment so that they could prepare themselves to fight the application. An effort was made to have Justices MacCrate stop the operation of the line over the Fourth as a condition of the adjournment.

"I will not grant a temporary injunction at the present time," replied Justice MacCrate. "This bus line is carrying a large number of passengers. The railroad strike may cause a real emergency."

The matter was adjourned until Monday.

Justice Donnelly yesterday denied the application of the Kingsbridge Railway Company and the Third Avenue Railway Company for an injunction restraining the Mayor and the Board of Estimate from operating the Washington Heights line of Municipal buses.

"I believe it would be a great inconvenience to the public to stop the operation of this bus line," Justice Donnelly wrote. "It seems to be the only means of transit available at the present time for the residents of Washington Heights to connect with the Dyckman street ferry. This ferry, during the summer season, is in great demand and the public should have every opportunity of reaching it with some degree of comfort. Such an emergency existing, which amounts to a continuing necessity in this locality, I hold that the Municipality, for the time being at least, is within its powers in establishing this particular bus line."

Pending final agreement upon wage scales for Interborough Rapid Transit Company employees, to be effective from the expiration of the present contracts last Saturday, the officers of the company and of the Interborough Brotherhood, have agreed to continue the present scales. A meeting of the delegates of the Brotherhood is to be held to-morrow. W. H. Mangin, secretary, said yesterday he did not expect any cut in the present scale of wages.

Through its official organ, the *Interborough Bulletin*, the I. R. T. yesterday made its first detailed reply to Corporation Counsel John F. O'Brien's charges of inefficiency and wastefulness in Interborough power houses, amounting to millions of dollars a year. The Bulletin says:

"The method adopted by our critics to create from the records the impression that these plants are wastefully operated is quite apparent. The very high efficiency at the Seventy-fourth street station was entirely ignored. The unavoidable conditions at the Fifty-ninth street station, which result temporarily in lower efficiency, were likewise ignored. The lowered efficiency of Fifty-ninth street station was stated to be that of the Interborough plants.

"The statement was also made that the two Interborough stations have sufficient equipment to carry a load of 400,000 kilowatts, which is much more than is needed. Actually, the maximum load which they could carry is only 200,000 kilowatts. Fifty-ninth street being good for 140,000 kilowatts and Seventy-fourth street good for 160,000 kilowatts. These capacities are only slightly above that which is required at the present time. The individual who made so great an overstatement of the station capacities is strangely unfamiliar with easily ascertainable facts."

**TO PAY TO TUNE OF \$3,000
IF HE HITS RIGHT CHORD**

**Mrs. Dorsey's Alimony Based
on Doctor's Literary Success.**

Special Dispatch to THE NEW YORK HERALD. CHICAGO, July 3.—The lure of New York's so-called Bohemia, coupled with a desire to write popular fiction, has won Dr. George A. Dorsey, former curator of anthropology at the Field Museum, both from his family and from his scientific pursuits. Judge Sullivan was told to-day by Mrs. Dorsey. She received a divorce.

Not only has Dr. Dorsey given up his wife and his position in order to "write something that will strike a popular chord," Mrs. Dorsey said, but he has also given up the greater part of his income.

An unusual feature of the proceedings was a provision for alimony to take effect in case the scientist does succeed in "hitting a popular chord." If he succeeds in earning as much as \$3,000 a year Mrs. Dorsey is to receive \$50 a month and so on upward on a graduated scale.

In New York, according to the wife's attorney, Dorsey is now writing "incessantly and continuously."

GOT DRUGS AT ATLANTA.

**Found Dope Always Obtainable
Ex-Prisoner Says.**

TAMPA, July 3.—Ramon Cepeda, charged with illegal possession of narcotics, testified at his preliminary hearing here to-day before United States Commissioner Cone that while an inmate of the Federal prison in Atlanta he was able at all times to obtain drugs. Cepeda, who recently came to Tampa, he said, after serving nine months of a year's sentence in the penitentiary, was bound over to the Federal Grand Jury.

KILLS SELF IN WORRY OVER SAFETY OF \$2,000

**Excited by Holdups, Although
Savings Were in Vault.**

Worry over the safety of \$2,000 which he had placed in a safe deposit vault caused the suicide of Andrew Vecher of 27 Scott place, Jamaica, who hanged himself to a tree last Sunday morning. Benjamin Machowinski, who lived with Vecher, told the police that Vecher had saved the money so he could return to Poland, marry and buy a farm. He became worried over the frequency of robberies and holdups and at his friend's suggestion put the money in the safe deposit vault. He continued to worry, however, and Sunday morning he told Machowinski that he was afraid he would lose his money. Shortly afterward he left the house and was not seen alive again.

PHONE REFEREE NAMED.

Judge Julius M. Mayer in the United States Circuit Court yesterday appointed James G. Graham, attorney of 80 Maiden lane, special master to take evidence in the suit instituted by the New York Telephone Company to restrain the Public Service Commission from putting into effect rates as decided on April 1. Graham will begin taking testimony in October.

NEVADA UPHOLDS ITS GAS DEATH PENALTY

**Answers Chinese Plea, Saying
It Is No Violation of
Constitution.**

Special Dispatch to THE NEW YORK HERALD.

RENO, Nev., July 3.—Stating that the Nevada lethal gas law does not come in conflict with the Constitution of the United States because the Constitution in this particular operates only in cases arising under the laws of the United States, attorneys representing the State to-day filed an answering brief to that filed for Hughie Sing and Gee Jon, Chinese sentenced to die by lethal gas and whose case is before the State Supreme Court on appeal.

Denial is made that death by gas is cruel and unusual. It is not in an experimental stage, it is stated, and the oath taken by officers safeguards public welfare through the presumption of law that the oath binds one to do his duty to the best of his ability.

The Chinese were convicted more

than a year ago of first degree murder and sentenced to die during the week beginning April 17 of this year, by the lethal gas method, which was prescribed by the Legislature of 1921 as the only means of administering capital punishment in this State. Their attorneys appealed the case and attacked the constitutionality of the act.

No preparations have been made at the prison to carry out the death penalty by lethal gas. The cell has not been built, and as a matter of fact no one connected with the prison has any idea how the gas should be administered. Gov. Boyle says that the State architect must build the chamber so as to provide for the presence of witnesses, and he suggests the danger of this owing to the danger from the gas.

State Architect De Longchamps says he has not thought much about it. It is almost a certainty that the case of the Chinese will not be decided before the Legislature convenes again, and then the law will be repealed, it is believed. The Chinese are the only ones convicted of first degree murder since 1920.

8 STORY LEAP KILLS WOMAN.

ALBANY, July 3.—Mrs. Miriam Ostreich of New York city plunged to her death from an eighth story window of the Wellington Hotel here to-day. Coroner Mullen said it was a case of suicide. Mrs. Ostreich was the mother of Muriel Ostreich, an actress.

Franklin Simon & Co.

Fifth Avenue, 37th and 38th Streets

Clearance Sale Tomorrow

High Class Milanese or Glove Silk Underthings

For Women and Misses

**Flesh Color, Maize, Orchid, Gray or White
In Tailored or Lace Trimmed Models**

At Exactly Half Yesterday's Prices

523 Vests	295 Chemises
347 Knickerbockers	189 Combinations
381 Step-In Drawers	75 Nightgowns

All Sales Final

GLOVE SILK UNDERTHINGS SHOP—Street Floor

Clearance Sale Tomorrow

Pure Silk Sweaters For Women and Misses

.12.75

Regular Prices \$22.50 to \$32.50

**Pure thread silk sweaters in slip-over or Tuxedo models;
including all the new weaves in white and colors.**

All Sales Final

FEMININE SWEATER SHOP—Fourth Floor

Clearance Sale Tomorrow

Parfait Corsets

PARFAIT GIRDLETES

Of lightweight hand woven-rubber, made exclusively for Franklin Simon & Co.; ideal for sports wear. 14 inches; Regular Price \$10.00 **5.00**

PARFAIT CORSETS

For full figures; of flesh color pebble batiste; low bust, high back, free hip space; sizes 26 to 36. Regular Price \$10.50 **5.25**

PARFAIT CORSETS

For medium or full figures; of silk broche, daintily trimmed with lace and ribbon; semi-rubber top, elastic insert over thighs; sizes 24 to 36. Regular Price \$18.50 **9.25**

All Sales Final

FEMININE CORSET SHOP—First Floor

BROADWAY **Saks & Company** At 34th STREET

The Store Will Be Closed All Day Today, Tuesday, July 4th



Wednesday—An Important Sale of 500

Women's Warm Weather Frocks at 10.95

*—smart in styling, splendid in workmanship, and without question
the best values we have ever offered in frocks of this character—*

Dainty Voile Frocks that will find instant favor in the eyes of the smartly dressed woman, for they express the last note of fashion in every way, in addition to being very cool and practical. There are plain colored, foulard patterned or polka dotted voiles from which to choose the frock that becomes you most. They are most attractively designed with draperies, panels, or lay stress on their smart tailoring.

Women's Silk Frocks at 25.00

Smart Frocks of Crepe de Chine, foulard or Georgette crepe draped over foulard—frocks that will meet every Summer requirement, whether for country, seashore or town shopping, and remain most satisfyingly fresh at the end of the day.

Panels, draperies and fagoting are used in a most engaging manner, leaving nothing to be desired in the way of smart trimming. One model is an adaptation of a Vionnet model—very new and very chic—with a drape that extends from the shoulder to the hem. They come in white, black, navy or gray. Sizes 34 to 44. Fourth Floor



For Wednesday Only—A Presentation of

Women's London-Made Coats at 39.50

—eminently suited for motor, travel or sports wear—

The smart, swagger hang of a London-made top coat is as inimitable in its line as it is incomparable in its fine material and workmanship. These are warm, practical and exceedingly good-looking, to be worn with or without the belt. In hazy tones of gray, tan, brown or purple they are decidedly English—and at 39.50 the very best value of the season!

—At decidedly attractive prices Wednesday

Sports Coats, 6.95 to 12.95

Variety lies not only in the materials, but in the sleeves, for they come with a full sleeve, a tailored sleeve or no sleeve at all—as you prefer. They are very smartly bound with white flannel or braid in most sports-like contrasts.

As the Result of a Very Special Purchase We Shall Present Wednesday

500 Summer Silk Frocks for Misses

of Crepe de Chine, Canton Crepe, Crepe Satin, Printed Crepe de Chine

at 15.00

The styles are Youth's own—for they are gay, charmingly simple, and withal practical. Panels and effective tucking add length, while deftly placed hand-made roses at the waist line complete their lovely simplicity. Four models are illustrated, revealing the amazing value of these frocks at 15.00. In all Summer shades, and in sizes 14 to 20 years.

*None sent C. O. D.,
Exchanged or Credited*

Second Floor

